

Notice of Allowability

Application No.

09/899,808

Examiner

Michele Kidwell

Applicant(s)

PRICE ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and amendment filed January 23, 2006.
2. ☒ The allowed claim(s) is/are 15-18, 20-37 and 51-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Michele Kidwell
MICHELE KIDWELL
PRIMARY EXAMINER

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 23, 2006 has been entered.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the overall claimed combination of an absorbent garment comprising a unitary fastening member comprising at least two independently movable and integrally formed tab members each having an engagement portion that releasably and refastenably engages a front body panel wherein the tab members extend laterally inward in the same direction from the same one of a side edge of the front body panel and are offset from each other in the longitudinal direction wherein each fastening members is non-integral with and formed separately from the body panel has neither been anticipated nor rendered obvious by the prior art of record.

Likewise, an absorbent garment with a pair of unitary fastening members each comprising at least two independently movable and integrally formed tab members each

having an engagement portion that releasably and refastenably engages a front body panel wherein the tab members extend laterally inward in the same direction from the same one of a side edge of the front body panel and are offset from each other in the longitudinal direction wherein each fastening members comprises a carrier member and wherein opposite seams are laterally spaced from attachment locations has neither been anticipated nor rendered obvious by the prior art of record.

Further, an absorbent garment comprising a fastening member comprising a unitary carrier member defining at least two independently movable and integrally formed tab members each having an engagement portion that releasably and refastenably engages a front body panel wherein the tab members extend laterally inward in the same direction from the same one of a side edge of the front body panel and are offset from each other in the longitudinal direction wherein the carrier member is non-integral with and formed separately from the body panel has neither been anticipated nor rendered obvious by the prior art of record.

Similarly, an absorbent garment comprising a unitary fastening member with or without a carrier member comprising at least two independently movable and integrally formed tab members each having an engagement portion that releasably and refastenably engages a front body panel wherein the tab members extend laterally inward in the same direction from the same one of a side edge of the front body panel and are offset from each other in the longitudinal direction wherein the fastening member is fixedly secured to the body panel and the tab members have a free edge positioned laterally inward from the location of the fixedly secured fastening members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michele Kidwell
Primary Examiner
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